

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

SYLVESTER ALLEN, JR., *et al.*,

Plaintiffs,

v.

CITY OF GRAHAM, *et al.*,

1:20-cv-0997-CCE-LPA

Defendants.

JUSTICE FOR THE NEXT
GENERATION, *et al.*,

Plaintiffs,

v.

1:20-cv-00998-CCE-LPA

TERRY JOHNSON, individually and in his
official capacity as Alamance County
Sheriff, *et al.*,

Defendants.

**PARTIAL CONSENT MOTION FOR LEAVE TO TAKE LIMITED
EARLY DISCOVERY AND TO EXTEND THE TIME LIMIT FOR
SERVICE**

NOW COME Plaintiffs in both above-captioned actions, pursuant to Fed. R. Civ. P. 6(b) & 26(d)(1), and L.R. 6.1 & 37.1, and respectfully move this Court for leave to take limited discovery prior to the Rule 26(f) conference for the purpose of ascertaining the identities of the Jane and John Doe Defendants (“Doe Defendants”), and an extension of time to effect service on the Doe Defendants in accordance with Rule 4(m) of the Federal Rules of Civil Procedure of sixty (60) days from the later of either: 1) entry of an order

granting this partial consent motion; or 2) entry of an order authorizing the production and protecting the confidentiality of information and documents covered by N.C. Gen. Stat. §160A-168.

Plaintiffs' counsel affirms that she has conferred extensively in good faith with counsel for the Defendants who have thus far been served in this case to obtain their consent to the discovery and extension of time requested. Counsel for Alamance County Defendants have indicated that they cannot consent to the instant motion for limited early discovery, but have expressed willingness (subject to a Consent Protective Order under negotiation by the parties) to identify all personnel of the Alamance County Sheriff's Office who either deployed OC compound / pepper spray or authorized its deployment via production of all Use of Force and incident reports related to the October 31, 2020 March to the Polls that is the subject of this action. City of Graham Defendants do not consent to the motion for limited early discovery, and have not indicated that, absent an order authorizing the requested early discovery by this Court, they would be willing to produce such information subject to a Consent Protective Order. Both the Alamance County Defendants and the City of Graham Defendants consent to the extension of time to serve Doe Defendants requested in this motion.

This motion is supported by the accompanying memorandum of law, which is incorporated by reference herein.

This the 5th day of March, 2021.

/s/ Elizabeth Haddix
Elizabeth Haddix
North Carolina Bar No. 25818
ehaddix@lawyerscommittee.org
Mark Dorosin
North Carolina Bar No. 20935
mdorosin@lawyerscommittee.org
Lawyers' Committee for Civil
Rights Under Law
P.O. Box 956
Carrboro, NC 27510
Tel: 919-914-6106

/s/ Jennifer Nwachukwu
Jennifer Nwachukwu
Maryland Bar No. 20869
jnwachukwu@lawyerscommittee.org
Lawyers' Committee for Civil
Rights Under Law
1500 K Street N.W., Suite 900
Washington, D.C. 20005
Tel: 202-662-8300
Notice of Special Appearance Filed

/s/Jaclyn Maffetore
Jaclyn Maffetore
North Carolina Bar No. 50849
jmaffetore@acluofnc.org
Kristi L. Graunke
North Carolina Bar. No. 51216
kgraunke@acluofnc.org
Daniel K. Siegel
North Carolina Bar No. 46397
dsiegel@acluofnc.org
ACLU of North Carolina
Foundation
P.O. Box 28004
Raleigh, NC 27611-8004
Tel: 919-834-3466

Jason Keith
North Carolina Bar No. 34038
Keith & Associates, PLLC
241 Summit Avenue
Greensboro, NC 27401
Tel: 919-914-6106

*Counsel for Justice for the
Next Generation Plaintiffs*

/s/ Leah Aden
Leah Aden*
laden@naacpldf.org
Natasha Merle
nmerle@naacpldf.org
Anuja Thatte*
athatte@naacpldf.org
Ashok Chandran*
achandran@naacpldf.org
NAACP Legal Defense &
Educational Fund, Inc.
40 Rector Street, 5th Floor
New York, NY 10031
Tel.: (212) 965-2200
**Notice of Special Appearance
Filed*

Geraldine Sumter
North Carolina Bar No. 11107
gsumter@fergusonsumter.com
Ferguson Chambers & Sumter,
P.A.
309 East Morehead Street,
Suite 110
Charlotte, NC 28202
Tel.: (704) 375-8461

C. William Phillips*
cphillips@cov.com
Covington & Burling LLP
620 8th Avenue
New York, NY 10018
Tel.: (212) 841-1081

Marianne Spencer*
mspencer@cov.com
Covington & Burling LLP
850 Tenth Street, N.W.
Washington, DC 20001

Morgan Lewis*
melewis@cov.com
Covington & Burling LLP
415 Mission Street
San Francisco, CA 94105-
2533

**Notice of Special Appearance
Filed*

Counsel for the Allen Plaintiffs

CERTIFICATE OF SERVICE

I certify that on March 5, 2021, I electronically filed the foregoing **PARTIAL CONSENT MOTION FOR LEAVE TO TAKE LIMITED EARLY DISCOVERY AND TO EXTEND THE TIME LIMIT FOR SERVICE** with the Clerk of Court using the CM/ECF system, which will serve all counsel of record in this action.

/s/Jaclyn A. Maffetore

Jaclyn A. Maffetore

*Counsel for Justice for the
Next Generation Plaintiffs*